

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS M. EHLENBACH and RENAE	)	
L. EHLENBACH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
UNITED STATES OF AMERICA, and	)	
<i>doing business as</i> CENTERS FOR	)	
DISEASE CONTROL AND	)	Civil Action No. 08-1100
PREVENTION, and ANGELA L. FUGO,	)	
<i>individually,</i>	)	Chief Judge Donetta W. Ambrose
	)	Magistrate Judge Cathy Bissoon
Defendants.	)	
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ANGELA L. FUGO, <i>individually,</i>	)	
	)	
Cross Claimant,	)	
	)	
v.	)	
	)	
THOMAS M. EHLENBACH,	)	
	)	
Cross Defendant.	)	
	)	

**MEMORANDUM ORDER**

On September 29, 2008, this case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On August 4, 2009, the magistrate judge issued a Report (Doc. 44) recommending that Defendant United States of America's Second Motion to Dismiss Complaint, or, In the Alternative, for Summary Judgment (Doc. 33) be granted and that Defendant Angela L. Fugo's Motion for Certification (Doc. 35) be denied. Service of the Report and Recommendation was

made on the parties, and Defendant Angela L. Fugo filed Objections on August 21, 2009. See Doc. 45.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered:

**AND NOW**, on this 8/21 day of September, 2009, **IT IS HEREBY ORDERED** that Defendant United States of America's Second Motion to Dismiss, or, In the Alternative, for Summary Judgment (Doc. 33) is **GRANTED** and Defendant Angela L. Fugo's Motion for Certification (Doc. 35) is **DENIED**.

The Report and Recommendation of Magistrate Judge Bissoon dated August 4, 2009 is hereby adopted as the opinion of the District Court.



Donetta W. Ambrose  
Donetta W. Ambrose  
Chief United States District Judge

cc (via email):

Dallas W. Hartman, Esq.  
Paul D. Kovac, Esq.  
Stephen J. Summers, Esq.